

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEUROGRAFIX; NEUROGRAPHY
INSTITUTE MEDICAL ASSOCIATES,
INC; and IMAGE-BASED
SURGICENTER CORPORATION,

Plaintiffs,

v.

TRUSTEES OF BOSTON UNIVERSITY;
BOSTON MEDICAL CENTER
CORPORATION; BOSTON
UNIVERSITY AFFILIATED
PHYSICIANS, INC.; and BOSTON
UNIVERSITY MEDICAL CENTER
RADIOLOGISTS, INC.,

Defendants.

Civil Action No. 12-11276-RGS

LEAVE TO FILE GRANTED

NOVEMBER 30, 2012

DECLARATION OF ANAND K. DEVAIAH IN SUPPORT OF MOTION TO STAY

I, ANAND K. DEVAIAH, MD, FACS, declare and state as follows:

1. I am a physician practicing medicine at Boston Medical Center Corporation ("BMC") since July 2002. My primary appointment is in the Department of Otolaryngology - Head and Neck Surgery, with secondary appointments in the Departments of Neurosurgery and of Ophthalmology. I make this affidavit based on my personal knowledge.
2. In 2006, BMC purchased a BrainLab VectorVision Transfer and Planning Station and image guidance system (collectively known as the "BrainLab Equipment"). I was involved in the purchase of the BrainLab Equipment and have used it in my practice since the purchase. I am the person that uses the BrainLab Equipment the most often at BMC. The BrainLab Equipment is not an imaging system. Moreover, the BrainLab Equipment was never set up to be

used for diffusion tensor imaging (DTI). It follows that the BrainLab Equipment was not used for DTI.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 29, 2012.

A handwritten signature in black ink, appearing to read 'Anand K. Devaiah', written over a horizontal line.

Anand K. Devaiah

Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as unregistered participants on November 30, 2012.

/s/ Philip C. Swain

Philip C. Swain (BBO No. 544632)

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Dated: November 30, 2012